

REMARKS

Claims 1-16, 21-43, 61-67 and 101-107 are pending in the application. Claims 1, 21 and 61 are independent claims. Claims 17-20, 44-60 and 68-100 are missing because the numbering of the original claims is not consecutive. By this amendment, misnumbered claims 1-16, 21-43, 61-67 and 101-107 been renumbered consecutively 1-53 as suggested by Examiner. After renumbering, claims 1-53 are pending in the application, claims 1, 17 and 40 are independent claims and no claims are missing. All references in the subsequent paragraphs are to the renumbered claims.

By this amendment, Claims 16, 17, 28-41, 45, and 46 have been canceled. Claims 1-15, 18-27, 42-44 and 47-53 have been amended. With respect to all of these amended claims, other than claim 1, the amendments are made to correct typographical errors, conform to antecedent language or correct claim numbers or claim dependencies, and no narrowing amendments are intended. New claims 54-68 have been added. Support for these new claims can be found, for example, in connection with the description of Figs. 2, 4 and 5. No new matter has been added.

Claim Objections

The Examiner has noted that the numbering of claims is not in accordance with 37 CFR § 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. Misnumbered claims 1-16, 21-43, 61-67 and 101-107 have been renumbered consecutively 1-53 as suggested by the Examiner. Next, claims dependent from said misnumbered claims have been corrected so that they now depend from the appropriate renumbered claim. After the renumbering, claims 1, 17 and 40 are independent claims. No new matter has been added.

35 U.S.C. § 103(a)

Claims 1-4, 7-8, 12-28, 31-32, 36-39, 47, 49-51 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DiStefano III et al. (hereinafter DiStefano) U.S. Patent No. 6,771,291 B1 filed June 7, 2000 in view of Freishstat et al. (herein after Freishstat) U.S. Patent No. 5,945,989 filed March 25, 1997.

Claims 5-6, 9-11, 29-30, 33-35, 40-46 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DiStefano III et al. in view of Freishstat et al. as applied to claims 1 and 17, and in further view of Dan et al. (herein after Dan) U.S. Patent No. 6,560,639 HI filed February 12, 1999 and claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DiStefano III et al. in view of Freishstat et al. as applied to claim 1 and in further view of Popp et al. (herein after Popp) U.S. Patent No. 6,249,291 HI filed September 22, 1995.

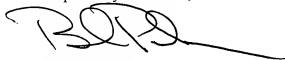
While Applicants do not acquiesce in the Examiner's analysis, to advance prosecution Applicants have amended independent claim 1, canceled independent claims 17 and 40 and introduced new independent claim 54. Both, independent claim 1 as amended and newly presented independent claim 54, recite a non-displayable phantom Web page. Neither, the DiStefano, Freishstat, Dan nor Popp patents teach, suggest or motivate the claimed non-displayable phantom Web page to update one or more elements of a displayed Web page without necessitating a reassembly of the displayed Web page. Thus, none of the aforementioned patents either singly or in combination renders independent claims 1 and 54 *prima facie* obvious.

In particular, the DiStefano patent employs a graphical user interface (GUI) to allow a registered user to easily develop a website comprising one or more [displayed or viewable] web pages. (Col. 4, lines 65-67). In fact, the registered user can use the navigation menu to determine

which web page is currently being displayed and can display all web pages. (Col. 10, lines 30-47). By contrast, the non-displayable phantom Web page claimed by Applicants cannot be displayed under any circumstances but has data associated with it that is used to update a displayed or displayable Web page in the browser. Thus, DiStefano does not render Applicants' claimed subject matter *prima facie* obvious. Dependent claims 2-15, 18-27, 42-44 and 47-53 include all of the features and limitations of amended independent claim 1 and dependent claims 55-68 include all of the features and limitations of newly presented independent claim 54. Therefore, these claims are patentable at least to the same extent that independent claims 1 and 54 are patentable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Brad Pedersen
Registration No. 32,432

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5774